

Summary

Article I – Introductory Provisions

1. The specific “purpose and intent” statement is expanded to reference the promotion of a desirable visual environment and to protect natural resources and environmentally sensitive areas. (*Sec. 61-1-5.*)

Article II – Review and Decision-Making Bodies

This article identifies the review and decision-making bodies that deal with zoning and land use. The powers and duties of the several bodies are recited in one place, to better illustrate which body reviews and decides which issues. Much of the text in this Article is incorporated directly from Article VI of Ordinance No. 390-G, as amended. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. The powers and duties of City Council, City Planning Commission, Buildings and Safety Engineering Department, Planning and Development Department, Board of Zoning Appeals, and Department of Environmental Affairs are stated, clarified and, in some instances, expanded. (*Article II, Divisions 1-6*)
2. Review and decision-making bodies must notify the Department of Environmental Affairs (DEA) when matters under their consideration involve a “contaminated property;” the DEA shall create and maintain a database of “contaminated properties.” (*Secs. 61-2-13, 61-2-21(12), 61-2-31(3), 61-2-54, 61-2-64*)
3. The Buildings and Safety Engineering Department must refer permit applications to the Planning and Development Department where the subject property is located within a designated development plan area. (*Sec. 61-2-21(7)*)
4. When the Board of Zoning Appeals is considering a variance for a conditional, regulated, or controlled use, it may not alter the conditions of a related zoning grant approved by the Buildings and Safety Engineering Department. (*Sec. 61-2-50*)
5. The Board of Zoning Appeals must mail a copy of final decisions to those who testified at a hearing or otherwise submitted evidence. (*Sec. 61-2-58*)
6. The scope, procedures, membership and chairmanship of the Industrial Review Committee, Loft Review Committee, and Hazardous Waste Facility Review Committee are stated, clarified, and in some instances, expanded. (*Article II, Division 7*)
7. Three new advisory committees are created: Solid Waste Facility Review Committee, Floodplain Management Review Committee, and Wireless Telecommunications Site Review Committee. (*Article II, Division 7, Subdivisions E, F, and G*)

8. Authorization to require performance guarantees is provided for in cases reviewed by the Industrial Review Committee (*Sec. 61-2-85(d)*), Loft Review Committee (*Sec. 61-2-95(d)*), Solid Waste Facility Review Committee (*Sec. 61-2-116(d)*), and Floodplain Management Review Committee (*Sec. 61-2-125(d)*).
9. The Historic District Commission may participate in the site plan review process, as needed. (*Sec. 61-2-151*)

Article III – Review and Approval Procedures

This article centralizes the various review and approval procedures, to better illustrate the steps involved in obtaining a final zoning decision. Site plan review is codified in this article. Much of the text of Article VI of Ordinance No. 390-G, as amended, has been incorporated into this article. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. A summary table of review and approval procedures has been added. (*Sec. 61-3-1*)
2. General provisions for review and approval procedures are stated and clarified. (*Article III, Division 1*)
3. Citizens' district councils, among other known community organizations, must be notified of specified public hearings. (*Sec. 61-3-9(3)*)
4. Notice of public hearings related to site-specific projects will be posted on the property in addition to the usual published and mailed notices; City Planning Commission shall develop rules for the deployment of posted notices for multi-lot and/or multi-block rezonings. (*Sec. 61-3-12*)
5. When conditions of approval are imposed, they should be directly related and roughly proportional to the potential impact of the proposed development. (*Sec. 61-3-14*)
6. Protection of the environment and natural resources and protection against environmental contaminants are included among general conditions of approval. (*Sec. 61-3-15(2)*)
7. If a development requires site plan approval or a conditional use grant and also a variance, the applicant must obtain the site plan approval or conditional grant prior to the variance. (*Sec. 61-3-19*)
8. The meanings of "effective dates" and "date of entry" are explained in relation to the Board of Zoning Appeals and Buildings and Safety Engineering Department. (*Secs. 61-3-20 through 61-3-24*)
9. The procedure for the termination of permits and zoning grants is clarified. (*Sec. 61-3-26*)

10. Approval criteria for Zoning Ordinance text amendments are provided and the review roles of City Planning Commission staff and the Planning and Development Department are clarified. (*Secs. 61-3-59 through 61-3-61*)
11. Petitions to rezone property are newly limited to the City, property owners, or parties having an interest in the property; Citizens' District Councils, among other known community organizations, are recognized as having a right to petition. (*Sec. 61-3-73*)
12. Planned Developments (PD) are subject to site plan review; the approval criteria for PD's are listed. (*Secs. 61-3-94 and 61-3-96*)
13. General provisions regarding the site plan review process are added. Applicability of the site plan review process is presented and submission requirements are explained; occasions for expedited site plan review are identified. (*Article III, Division 5, Subdivisions A and B*)
14. Site plan review is newly required for, among other developments, larger projects involving more than 20,000 square feet of gross floor area, or more than one (1) acre of land, or more than twelve (12) residential units. (*Sec. 61-3-113*)
15. Site plan review procedures, approval criteria, and authorized reviewers of site plans are specified. (*Article III, Division 5, Subdivisions C, D and E*)
16. Site plan review shall include design review where City Council has approved design guidelines, such as in PD, PC, PCA, and SD4 zoning districts and in overlay areas. (*Sec. 61-3-154*)
17. Once a preliminary site plan has been approved, the Buildings and Safety Engineering Department may not alter the site plan without the approval of the approving body; the Board of Zoning Appeals may consider appeals of denied site plans but may not alter approved preliminary site plans. (*Secs. 61-3-173(a), 61-3-175, and 61-3-219*)
18. The term "permitted with approval uses" is replaced by the term "conditional uses;" conditional use procedures are stated and clarified with respect to pre-application conferences, site plan review, expansions/intensifications, and timeliness of departmental reporting. (*Article III, Division 7*)
19. Approval criteria for conditional uses are expanded and newly include a criterion to consider the impacts from normal operations allowed in and industrial district upon persons at the proposed site of a public, civic, or institutional conditional use in that district. (*Sec. 61-3-231(15)*)
20. The Buildings and Safety Engineering Department is authorized to require performance guarantees for Conditional Uses (*Sec. 61-3-241(c)*), Regulated Uses (*Sec. 61-3-282(c)*), and Controlled Uses (*Sec. 61-3-322(c)*).

21. Petition requirements and procedures for Regulated Uses that are heard by the Board of Zoning Appeals are specified. (*Sec. 61-3-273*)
22. Arcades and pool or billiard halls in certain higher intensity zoning districts are no longer considered to be Controlled Uses. (*Sec. 61-3-292*)
23. Provisions for site condominiums are recited for the first time. (*Article III, Division 10*)

Article IV – Review and Approval Procedures, continued

This article continues the compilation of the various administrative and quasi-judicial procedures available under zoning. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. The relationship is clarified between Zoning Ordinance provisions and regulations that apply to adopted Development Plans. (*Sec. 61-4-1*)
2. The processing and approval of temporary use permits are set out. (*Article IV, Division 2*)
3. The Buildings and Safety Engineering Department is authorized to make written interpretations of Zoning Ordinance text and is charged with maintaining a record of such interpretations. (*Article IV, Division 4*)
4. The Board of Zoning Appeals is required to consider any report/recommendation from the Planning and Development Department prior to acting on an appeal of an administrative decision. (*Sec. 61-4-74*)
5. Administrative adjustments by the Buildings and Safety Engineering (B&SE) Department are authorized but limited to ten percent (10%) or less of numerical standards; adjustments by B&SE are not allowed regarding conditions attached to sales of city-owned land; further adjustments or waivers of standards may only be considered by the Board of Zoning Appeals as a variance. (*Article IV, Division 6*)
6. References to “use variances” are deleted and replaced by a “hardship relief petition” procedure; public hearings on such petitions are subject to review by Board of Zoning Appeals staff in consultation with the Law Department with respect to claims of “denial of all reasonable economic use.” (*Article IV, Division 7*)

Article V – Violations and Enforcement

This article concentrates in one article all the provisions relative to zoning violations and the enforcement mechanisms available under zoning. Administrative and enforcement provisions from Article VI of Ordinance No. 390-G, as amended, are recited in this article, including recently adopted provisions on blight violations. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. In addition to the Buildings and Safety Engineering Department, the Detroit Police Department is authorized to enforce provisions of the Zoning Ordinance. *(Sec. 61-5-2)*
2. Nine specific violations have been added. *(Sec. 61-5-14)*
3. Clarification is provided that payment of a blight violation fee does not relieve the responsible party from complying with an order of the Buildings and Safety Engineering Department or the Zoning Ordinance. *(Sec. 61-5-25)*
4. The enforcement powers of the Buildings and Safety Engineering Department have been clarified to include its ability to withhold permits, approve permits contingent on correction of a violation, revoke permits, stop work, and seek injunctive relief. *(Article V, Division 3)*
5. The Buildings and Safety Engineering (B&SE) Department is authorized to withhold permits when there is an uncorrected violation of an Ordinance provision or of a condition or qualification of a zoning grant or permit related to the premises, regardless of whether the current owner or applicant is responsible for the violation in question. *(Sec. 61-5-32(a))* Furthermore, the B&SE may withhold permits from persons who caused an uncorrected violation, regardless of whether the property for which the permit is sought is the property in violation. *(Sec. 61-5-32(b))*

Article VI – Signs

This article restates most of the same provisions that appeared in Article XIII of Ordinance No. 390-G, as amended, with respect to signage. Fourteen illustrations accompany the reorganized, but generally unaltered, sign regulations. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Definitions are provided for animated signs and portable signs. *(Article VI, Division 1)*
2. Electronic message boards that display information that is not related to the premises are deemed to be advertising signs rather than business signs. *(Sec. 61-6-45)*
3. Portable signs are prohibited. *(Sec. 61-6-46)*
4. Animated signs are permitted only within the Central Business District and on land zoned SD5. *(Sec. 61-6-71(d))*

Article VII – Zoning Districts in General

This article incorporates the same lists of zoning districts as in Article VII of Ordinance No. 390-G, as amended. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. The zoning district hierarchy is explained. (*Sec. 61-7-9*)
2. The zoning maps on file at the City Planning Commission are deemed to be accurate in the event of confusion or conflict with regard to map boundaries and designations; the Planning and Development Department is the arbiter of any zoning map boundary disputes. (*Sec. 61-7-10*)

Article VIII – Residential Zoning Districts

This article incorporates the lists of uses permitted in residential zoning districts, the same as in Article VIII of Ordinance No. 390-G, as amended. The use lists are organized into five major categories: residential uses; public, civic, and institutional uses; retail, service, and commercial uses; manufacturing and industrial uses; and other uses. What had been referred to as uses permitted as a matter of right are newly identified as by-right uses; permitted with approval uses are newly identified as conditional uses. Use regulations, intensity and dimensional standards, and compatibility standards no longer are recited by zoning district but have been grouped into Articles XII, XIII, and XIV. The only regulations recited in Article VIII are those unique to residential zoning districts. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. In those districts where single-family dwellings are permitted by-right, state-licensed residential facilities for six (6) or fewer persons are also permitted by-right; where single-family dwellings are permitted on a conditional basis, so are state-licensed residential facilities for six (6) or fewer persons. (*Sec. 61-8-2*)
2. Off-street parking limitations and motor vehicle repair limitations are specified in each residential zoning district. (*Article VIII, Divisions 2-7*)
3. New by-right uses include adult day care centers (R3-R6); assisted living facilities (R5-R6); and lofts (R3-R6). (*Article VIII, Divisions 4-7*)
4. New conditional uses include assisted living facilities (R4); bed and breakfast inns (R3-R6); and residential substance abuse service facilities (R3-R5). (*Article VIII, Divisions 4-7*)
5. Three basic utility uses, electric transformer station, gas regulator station, and telephone exchange building, are changed from by-right to conditional uses in the R5 and R6 districts. (*Article VIII, Divisions 6-7*)
6. Home occupations are deleted as a specified land use and addressed under the accessory use provisions of Article XII.
7. The distinction between “art galleries” and “non-commercial art galleries” has been eliminated; non-commercial art galleries are newly prohibited in all residential districts.
8. Private clubs and lodges are changed from by-right to conditional uses (R5-R6). (*Article VIII, Divisions 6-7*)

Article IX – Business Zoning Districts

This article incorporates the lists of uses permitted in business zoning districts the same as in Article IX of Ordinance No. 390-G, as amended. The use lists are organized into five major categories: residential uses; public, civic, and institutional uses; retail, service, and commercial uses; manufacturing and industrial uses; and other uses. What had been referred to as uses permitted as a matter of right are newly identified as by-right uses; permitted with approval uses are newly identified as conditional uses. Use regulations, intensity and dimensional standards, and compatibility standards no longer are recited by zoning district but have been grouped into Articles XII, XIII, and XIV. The only regulations recited in Article IX are those unique to business zoning districts. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. All uses having drive-up/drive-through facilities are subject to site plan review and are processed as conditional land uses, except where expressly permitted by-right. (*Sec. 61-9-1*)
2. In those districts where single-family dwellings are permitted on a conditional basis, so are state-licensed residential facilities for six (6) or fewer persons. (*Sec. 61-9-2*)
3. Twenty-two (22) uses, either previously prohibited or unlisted in business zoning districts, are newly permitted by-right: adult day care centers (B1- B5); animal grooming shops (B2-B5); assisted living facilities (B1- B2); bridge or tunnel plaza, vehicular (B6); child care centers (B3); customs office (B6); employee recruitment centers (B5-B6); governmental service agencies (B4); greenhouses and nurseries, wholesale (B6); lumber yards (B6); moving truck/trailer rental lots (B6); nail salons (B1-B6); outdoor entertainment facilities (B5-B6); pet shops (B2-B6); pool or billiard hall (B6); public auditoriums (B4-B6); recreational vehicle storage lot (B6); residential uses combined in structures with permitted commercial uses (B3); restaurants, standard, not having drive-through facilities (B3); schools or studios of dance, gymnastics, music, or art (B1); taxicab dispatch and/or storage facility (B6); telecommunications buildings, private, or “telecom hotels” (B6). (*Article IX, Division 2-7*)
4. Seventeen (17) uses, either previously prohibited or unlisted in business zoning districts, are newly permitted on a conditional basis: abattoir (B6); bed and breakfast inns (B1, B2, and B4); employee recruitment centers (B4); ferry terminals (B6); fireworks sales (B4, B5); food catering establishment (B2); mortuaries/funeral homes (B3); moving truck/trailer rental lots (B4); outdoor entertainment facilities (B4); passenger transportation terminals (B6); plasma donation centers (B2, B3, B4 except gateway radial thoroughfare, B5, B6); public auditoriums, (B3); residential substance abuse service facilities (B1, B2, B4, and B5); taxicab dispatch and/or storage facility (B4 except gateway radial thoroughfare, B5); telecommunications buildings, private, or “telecom hotels” (B4, B5); tire sales and/or service, used (B6); truck stops (B6). (*Article IX, Divisions 2-7*)
5. Twelve (12) uses, previously permitted in business districts are newly prohibited: art galleries (B1); jewelry manufacture (B2-B3); marinas (B5-B6); research laboratories (B1-B2); restaurants, carry-out or fast-food, on the Woodward gateway radial thoroughfare, where they have drive-up or drive-through service or where they are a stand-alone use (B4); restaurants,

standard, on the Woodward gateway radial thoroughfare, where they have drive-up or drive-through service (B4); rooming houses (B6); schools or studios of dance, gymnastics, music, or art (B6); towing service storage yards (B4); used car salesroom, sales lot, or storage lot (B5); veterinary clinics (B6); wholesaling, warehousing, and storage buildings (B2). (*Article IX, Divisions 2-7*)

6. Eleven (11) uses are changed from by-right to conditional: commercial kennels (B4); financial services centers (B1-B4); motels (B5); private clubs and lodges (B1-B3); research or testing laboratories (B4, B5); secondhand stores and secondhand jewelry stores (B5, B6); stadiums or sports arenas (B4); trailer coach or boat sales or rentals (B4); trailer or cement mixer rental, sales, or service lots (B4); used car salesrooms or sales lots (B4); and vending machine commissaries (B4). (*Article IX, Divisions 2-5*)
7. Eight (8) uses are changed from conditional to by-right: art galleries (B3); bars and taverns in the Central Business District (CBD: B4-B6); cabarets (CBD: B4, B5); dance hall, public (CBD: B4-B6); hotels (CBD: B4-B6); lofts (CBD: B4); restaurants, carry-out or fast food, within a multi-story, mixed use or multi-tenant development without drive-up or drive-through service (B4); veterinary clinics (B2-B3). (*Article IX, Divisions 3-4*)
8. Three (3) obsolete business land use terms have been deleted throughout the ordinance: newspaper distribution stations, shoeshine parlors, and taxi dance halls.
9. Non-residential uses in B1 are newly subject to landscaping requirements. (*Sec. 61-9-26*)
10. Photoengraving has been deleted as a land use term; printing or engraving shops are still permitted on a conditional basis in B2 and B4 and by-right in B5. (*Article IX, Divisions 3 and 5*)
11. The land use term, secondhand stores, is expanded to secondhand stores and secondhand jewelry stores for consistency with City licensing provisions.
12. Parking structures in B5 having ground floor commercial space or other space oriented to pedestrian traffic are by-right—otherwise, they are conditional. (*Sec. 61-9-96(26)*)
13. Five industrial land uses, permitted by-right in B6, are grouped under the general term, “Low-impact Manufacturing or Processing”: bakeries; bottling of alcoholic products; creameries; food products manufacturing or processing, but excluding slaughtering or rendering; soda water or soft drink manufacturing or bottling establishments. (*Article IX, Division 7*)

Article X – Industrial Zoning Districts

This article incorporates the lists of uses permitted in industrial zoning districts the same as in Article X of Ordinance No. 390-G, as amended. The use lists are organized into five major categories: residential; public, civic, and institutional; retail, service, and commercial; manufacturing and industrial; and other uses. What had been referred to as uses permitted as a matter of right are

newly identified as by-right uses; permitted with approval uses are newly identified as conditional uses. Use regulations, intensity and dimensional standards, and compatibility standards no longer are recited by zoning district but have been grouped into Articles XII, XIII, and XIV. The only regulations recited in Article X are those unique to business zoning districts. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Seventeen (17) uses, either previously prohibited or unlisted in industrial zoning districts, are newly permitted by-right: animal grooming shops (M1-M4); boat or ship yards (M4, M5); employee recruitment centers (M1-M4); greenhouses and nurseries, wholesale (M1-M5); lumber yards (M1-M5); motorcycle sales, rental or service (M2-M4); moving truck/trailer rental lots (M1-M4); nail salons (M1-M4); outdoor entertainment facilities (M1); outdoor storage yards (M4, M5); passenger transportation terminals (M1-M4); pet shops (M1-M4); private telecommunications building (M1-M5); public auditoriums (M1); recreational vehicle storage lot (M2-M5); taxicab dispatch and/or storage facility (M1-M5); wholesale produce or food markets (M1). (*Article X, Divisions 2-6*)
2. Sixteen (16) uses, either previously prohibited or unlisted in industrial zoning districts, are newly permitted on a conditional basis: boat or ship yards (M3); ferry terminals (M1-M5); fireworks sales (M3-M4); indoor storage, handling, or transfer of waste/scrap materials (M3-M5); motor vehicle race track (M3-M5); motorcycle sales, rental or service (M1); outdoor entertainment facilities (M2-M4); outdoor storage yards (M3); pawnshops (M1-M4); plasma donation centers (M1-M4); recreational vehicle storage lot (M1); recycling centers (M4-M5); residential use combined in structures with permitted commercial uses (M2-M4); towing service storage yards (M1); truck stops (M3-M5); used tire sales and/or service (M1-M5). (*Article X, Divisions 2-6*)
3. Sixteen (16) uses or groupings of uses, previously permitted in industrial districts are newly prohibited: adult cabaret (M1, M2); adult personal service establishment (M1, M2); adult physical culture establishment (M1, M2); adult supply store (M1, M2); adult theater (M1, M2); amusement parks (M5); bar and tavern (M1-M4); cabaret (M1-M4); custom decorative wrought iron shops (M2); dance halls, public (M5); firearms dealerships (M5); marinas (M1-M2); most all public, civic, and institutional uses (M5); most all retail, service, and commercial uses (M5); pre-release adjustment centers (M1-M5); religious residential facilities (M1-M5); schools and educational institutions (M1-M5); substance abuse service facilities (M5). (*Article X, Divisions 2-6*)
4. Fifteen (15) uses are changed from by-right to conditional: agricultural implement repair and/or service (M2); confection manufacture (M1); dental products, surgical, or optical goods manufacture (M1); libraries (M2-M4); major motor vehicle services in (M1-M5); museums (M2-M4); neighborhood centers, nonprofit (M2-M4); outdoor recreation facilities (M3, M4); public auditorium (M2-M4); religious institutions (M2-M4); salt works (M4-M5); secondhand stores and secondhand jewelry stores (M1-M4); stadiums or sports arenas (M3, M4); toiletries or cosmetics manufacturing (M1); wearing apparel manufacture (M1). (*Article X, Divisions 2-6*)

5. Five (5) industrial land uses are grouped under the general term, “Low-impact Manufacturing or Processing”: bakeries; bottling of alcoholic products; creameries; food products manufacturing or processing, but excluding slaughtering or rendering; soda water or soft drink manufacturing or bottling establishments (M1 conditional, M2-M5 by-right). (*Article X, Divisions 2-6*)
6. Thirty-two (32) industrial land uses are grouped under the general term, “Low/medium-impact Manufacturing or Processing”: art needlework (factory); assembly of small parts; awnings, cloth, custom manufacture or assembly; bleaching powder compounding; bookbinding; braces, orthopedic manufacture; broom manufacture; canvas goods manufacture; cigar or cigarette manufacture; cinema production or development; clock or watch manufacture; coffee roasting; display designer's or builder's shops; dog or cat food cannery or manufacture; door, sash, or trim manufacture; draperies manufacture; electric equipment assembly; flag or banner manufacture; furs, manufacture, cutting, or assembly; glass blowing; glass laminating; heating or ventilating apparatus assembly; industrial laundry; ink or paint products compounding; knit goods manufacture; leather goods manufacture or fabrication; mattress manufacturing; paper or cardboard box forming or assembly; pattern shop; plastic products forming or molding; vending machine assembly; wire rope assembly (M1 conditional, M2-M5 by-right). (*Article X, Divisions 2-6*)
7. Thirty-one (31) industrial land uses are grouped under the general term, “High/medium-impact Manufacturing or Processing”: automobile accessory manufacture; automotive, agricultural or other heavy machinery manufacturing; bolt or nut manufacture; book publishing, printing or engraving; brake debonding; brewing or distilling of liquors; brewing of twenty thousand (20,000) or more barrels of beer or malt beverage per year; buffing shop; business machines or equipment manufacture; can, barrel, drum or pail manufacture; canning factories; die casting; disinfectant or insecticide manufacture; distilling of alcoholic products; automatic screw machine operations; electric fixtures, batteries, or other electrical apparatus manufacture; emery cloth or sandpaper manufacture; furniture manufacture; heating or ventilating apparatus manufacture or assembly; iron, custom decorative wrought iron shops; mattress manufacture; millwork, lumber or planing mills; monument works; painting or varnishing shops; paper box or cardboard products manufacture; plastic products manufacture; plating or anodizing; replating; sheet metal works; tire recapping; and welding shops (by-right in M3-M5, but newly prohibited in M2). (*Article X, Divisions 4-6*)
8. Forty-seven (47) industrial land uses are grouped under the general term, “High-impact Manufacturing or Processing”: abrasives manufacture; acetylene manufacture; annealing or heat treating plants; balls or bearings manufacture; battery rebuilding; bed spring manufacture; bleaching powder manufacture; boiler manufacture; bolts or nuts manufacture; brick or building block manufacture; candle manufacture; carbonic gas manufacture or storage; carbonic ice manufacture; cattle or sheep dip manufacture; cellophane or celluloid manufacture; ceramic products manufacture; chlorine gas manufacture; clay products manufacture; concrete batching plants; concrete pipe or concrete pipe products manufacture; dextrine manufacture; dyestuffs manufacture; engine manufacture; felt manufacture; glass manufacture; glucose manufacture; graphite manufacture; gutta percha manufacture or treatment; ink manufacture; jute fabrication; meat products manufacturing or processing;

pharmaceutical products manufacture; phenol manufacture; pyroxylin plastic manufacture or processing; roofing materials manufacture excluding tar products; rope manufacture; rug manufacture; shoe polish manufacture; soap manufacture; starch manufacture; sugar refining; terra cotta manufacture; tire manufacture; turpentine manufacture; wall board manufacture; wire manufacture; yeast manufacture (M3 conditional, M4-M5 by-right). (*Article X, Divisions 4-6*)

9. Thirty-nine (39) industrial land uses are grouped under the general term, “Very high-impact Manufacturing or Processing”: abattoirs, slaughter houses; acid manufacture; acoustical material manufacture; airplane manufacture; alkali manufacture; asphalt manufacture; automobile body plant; beryllium storage, handling, or processing; bituminous concrete manufacture; carbide manufacture; cement, lime, gypsum, or plaster of Paris manufacture; ceramic glaze or porcelain enamel frit manufacture; charcoal or fuel briquette manufacture; chemical manufacture from raw substances; coal or coke yard; coke oven; crushing, grading, and screening of rock, stone, slag, clay, or concrete; distillation of coal, petroleum, bones, tar, or refuse; dog or cat food cannery or manufacture; drop forge plants; fertilizer manufacture; fish oil or meal manufacture; fish smoking, curing, canning, or cleaning; foundry, ferrous or non-ferrous; glue manufacture using animal products; insulation manufacture; lampblack manufacturing; linoleum manufacture; paint, enamel, oil, shellac, lacquer, varnish, or synthetic resin manufacture; paper manufacturing or reclaiming; petroleum refining or processing; radio isotope fabrication or use; smelting or refining of metals or ores; stamping or pressing plants; steel barrel, drum, or pail renovation or reclaiming; steel mills; tanning, curing, or storage of raw hides or skins; tar products manufacture; wool pulling (M4-M5 conditional). (*Article X, Divisions 5-6*)
10. Photoengraving has been deleted as a land use term; printing or engraving shops are still permitted by-right (M2-M4). (*Article X, Divisions 3-5*)
11. Outdoor operations of industrial land uses are newly permitted conditionally (M3-M5) and permitted by-right (M4-M5) when the principal land use is also a by-right use. (*Article X, Divisions 4-6*)
12. Truck garages and open areas for the parking of operable commercial vehicles are added to the land use term, “trucking terminals and transfer buildings.” (*Article X, Divisions 2-6*)
13. The land use term, boiler works, is changed to boiler manufacture. (*Article X, Divisions 2-6*)
14. Obsolete industrial land use terms that have been deleted throughout the ordinance include stockyards.

Article XI – Special Purpose Zoning Districts and Overlay Areas

This article incorporates the lists of uses permitted in special zoning districts, the same as in Articles XI and XII of Ordinance No. 390-G, as amended, as well as the provisions of Article XIV.

However the article also expands significantly into the establishment of overlay areas. The permissibility of uses in the SD4 zoning district is significantly altered. The use lists are organized into five major categories: residential; public, civic, and institutional; retail, service, and commercial; manufacturing and industrial; and other uses. What had been referred to as uses permitted as a matter of right are newly identified as by-right uses; permitted with approval uses are newly identified as conditional uses. Use regulations, intensity and dimensional standards, and compatibility standards no longer are recited by zoning district but have been grouped into Articles XII, XIII, and XIV. The only regulations recited in Article XI are those unique to business zoning districts. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Forty-six (46) uses, either previously prohibited or unlisted in special purpose zoning districts, are newly permitted by-right: animal grooming shops (TM); auditoriums, public (PCA, TM); automated teller machines (SD2); bake shops (PCA, SD2); banks (SD2); banks without drive-through facilities (SD1); basic utilities (PR); botanical conservatory, (PR); brewpubs and microbreweries (SD2); cabarets (SD2); child care centers (PCA, SD2); convention or exhibit buildings (PCA); customs offices (PCA); educational institutions (PCA); employee recruitment centers (TM); greenhouses and nurseries, wholesale (TM); high/medium-impact manufacturing or processing (TM); indoor commercial recreation, most (SD2); interpretive center (PR); libraries (PC, PCA); low-impact manufacturing or processing (TM); low/medium-impact manufacturing or processing (TM); marinas (PR, W1); motor vehicle services, minor (TM); motorcycle sales, rental or service (TM); moving truck/trailer rental lots (TM); museums (PC, PCA, PR, W1); nail salons (PCA, TM); nature center (PR); outdoor entertainment facilities (PC); outdoor recreation facilities (PCA, W1); pool or billiard halls (PCA); public aquariums (PC, PCA, PR); recording studios (PCA, SD1, SD2); recreational vehicle storage lot (TM); restaurants, carry-out and fast-food, located in multi-story/mixed-use or multi-tenant developments without drive-up or drive-through facilities (SD2); retail sales and services clearly incidental and accessory to uses permitted in the PC district (PC); retail sales clearly incidental and accessory to uses permitted in the PR district (PR); retail sales and personal service in multiple residential structures (SD2); schools (PC); schools or studios of dance, gymnastics, music, or art (SD2); tank storage of bulk oil or gasoline (TM); taxicab dispatch and/or storage facilities (TM); telecommunications buildings, private (TM); wholesale produce or food markets (TM); zoo (PR). (*Article XI, Divisions 3 through 10*)
2. Thirteen (13) uses, either previously prohibited or unlisted in special purpose zoning districts, are newly permitted on a conditional basis: bake shops (SD1); bed and breakfast inns (SD1); car washes (PCA); heliports (W1); motor vehicle filling stations (SD2); motor vehicle services, minor (SD2); outdoor entertainment facilities (PCA); passenger transportation terminals (SD2); pool or billiard halls (SD2); religious residential facilities (PCA); residential uses combined in structures with permitted commercial uses (SD1, SD2); restaurants, carry-out, without drive-through facilities (SD1); retail sales and personal service in multiple residential structures (SD1). (*Article XI, Divisions 5, 8, 9, 10*)
3. Nine (9) uses or groupings of uses, previously permitted in special purpose zoning districts are newly prohibited: boarding schools (SD1); child caring institutions (SD1); hospital or hospice (SD4); motels (SD2); motor vehicle services, major (SD2); radio, television or household

appliance repair shops (SD2); railroad rights-of-way (SD1, SD2); statuary (PC); all M4 uses (TM). (*Article XI, Divisions 5, 6, 9, 10*)

4. Fifty-three (53) uses are changed from conditional to by-right: adult day care center (SD4); antennas, some (SD4); arcades (SD2, TM); automated teller machines without drive-up or drive-through facilities (SD4); bake shop (SD4); bank without drive-up or drive-through facilities (SD4); barber or beauty shop (SD4); bars and taverns (SD2); blueprinting shop (SD4); child care centers (SD4); confection manufacture (SD4); customs office (SD4); dry cleaning, laundry, or laundromat (SD4); educational institution (SD4); electric transformer station (SD4); family day care home (SD4); fire or police station, post office and similar public building (SD2, SD4); food catering establishments (SD4); gas regulator station (SD4); governmental service agency (SD4); library (SD4); lofts (SD4); low-impact manufacturing or processing (SD4); lithographing and sign shops (SD4); marina (SD4); medical or dental clinic (SD4); multiple-family dwelling (SD4); museum (SD4); nail salon (SD4); neighborhood center, nonprofit (SD4); office, business or professional (SD4); outdoor recreation facility (SD4); printing or engraving shop (SD4); private club or lodge (SD4); public aquarium (SD4); public dance halls (SD2); radio or television station (SD4); recording studio (SD4); recreation, indoor commercial and health club (SD4); religious institutions (SD4); restaurant, carry-over or fast-food within a mixed use or multi-tenant development without drive-up or drive-through service (SD4); restaurant, standard without drive-up or drive-through service (SD4); retail sales and personal service in multiple-residential structures (SD4); retail stores (SD2, SD4); schools (SD4); shoe repair shop (SD4); signs, some (SD4); standard restaurants without drive-through facilities (SD2); telephone exchange buildings (SD4); theaters and concert cafés (SD2, SD4); town house (SD4); vending machine commissaries (SD4); water works, reservoir, pumping station, or filtration plant (SD4). (*Article XI, Divisions 6, 10*)
5. Sixteen (16) uses are changed from by-right to conditional: arcades (TM); art galleries (SD1); automated teller machines with drive-up or drive-through facilities (PCA); banks (PCA); bars and taverns (TM); cabarets (PCA); dry cleaning, laundry, or laundromat (SD1); hospital or hospice (SD1); private clubs or lodges (SD1); salesroom or sales lot for new motor vehicles (PCA); parking lots, certain (SD1); passenger transportation terminals (PCA); pawnshops (TM); secondhand store and secondhand jewelry store (TM); shoe repair shops (SD1); stadiums or sports arenas (PCA). (*Article XI, Divisions 5, 9*)
6. In those districts where single-family dwellings are permitted on a conditional basis, so are state-licensed residential facilities for six (6) or fewer persons. (*Sec. 61-11-2*)
7. Planned Development (PD) district submittal requirements, review procedures, and approval criteria are detailed. (*Article XI, Division 2*)
8. Site plans for developments in the PD district are subject to review by the City Planning Commission and the Planning and Development Department. (*Sec. 61-11-12*)
9. Planned Development (PD) district design criteria include: Master Plan consistency; scale, form, massing, and density; compatibility; circulation; parking and loading; environmental impacts; open space; rights-of-way; river access; screening; orientation; signage; security

consideration; accessibility; preservation and restoration; urban design; amenities; maintenance; construction period; and, urban renewal area considerations. (*Secs. 61-11-15 through 61-11-34*)

10. Only public stadiums are allowed in the PC district. (*Article XI, Division 4*)
11. The PC district allows parking structures open to the public and having ground floor commercial space or other space oriented to pedestrian traffic by-right; all other parking facilities are conditional. (*Article XI, Division 4*)
12. In the PCA district, parking structures, offices, and multiple-family dwellings with ground-floor commercial space or other space oriented to pedestrian traffic are permitted by-right; those without, on a conditional basis. (*Article XI, Division 5*)
13. Secondhand stores and secondhand jewelry stores are limited to antique stores and auction houses in the PCA district. (*Article XI, Division 5*)
14. All uses in the SD1, SD2, SD3, and SD5 districts are subject to site plan review. (*Article XI, Divisions 9, 10, 11, 13*)
15. Parking structures in SD1 having ground floor commercial space or other space oriented to pedestrian traffic are by-right—otherwise, they are conditional. (*Article XI, Division 9*)
16. The character of the SD2 district is broadened to emphasize entertainment venues. (*Article XI, Division 10*)
17. The SD3 district newly emphasizes high technology uses in a campus-type environment and differentiates the district from a traditional industrial district, and defines “research facility.” (*Article XI, Division 12*)
18. The Planning and Development Department and City Planning Commission are authorized to develop design guidelines for the SD4 district. (*Sec. 61-11-241*)
19. In the SD4 district, uses with drive-up or drive-through facilities are only permitted on East Jefferson Avenue. (*Sec. 61-11-248*)
20. Five (5) overlay areas are identified for the City of Detroit: Gateway Radial Thoroughfare Overlay, Pedestrian Retail Overlay, Major Corridor Overlay, Grand Boulevard Overlay, and Development Improvement Overlay. (*Article XI, Division 14*)
21. The Woodward Avenue gateway radial thoroughfare designation is extended northward from Grand Boulevard to Euclid Avenue. (*Sec. 61-11-302(1)*)
22. The special character of the Woodward Avenue gateway radial thoroughfare is recognized. (*Sec. 61-11-303*)

23. Two uses are added to the list of those prohibited in the B4 district along gateway radial thoroughfares: plasma donation centers; restaurants, carry-out or fast-food, stand-alone, or with drive-up or drive-through facilities (Woodward only). (*Sec. 61-11-304*)
24. The Planning and Development Department (P&DD) is authorized to prepare design guidelines for the Pedestrian Retail Overlay areas and Major Corridor Overlay areas for adoption by City Council; the Buildings and Safety Engineering Department may not issue permits for developments in such overlay areas unless P&DD has found them consistent with the adopted guidelines. *Article XI, Division 14, Subdivisions B and C*)

Article XII – Use Regulations

This article presents the heart of the zoning ordinance in a comprehensive table of uses, districts, and cross-references to regulations. Many of the use regulations that had been adopted piecemeal for certain uses in Ordinance No. 390-G, as amended, are newly applied to other, similar uses. Conditions and limitations that had customarily been imposed by the Buildings and Safety Engineering Department or Board of Zoning Appeals as part of zoning grants have been codified as specific use regulations. Use regulations that had been scattered throughout Articles III, IV, VIII, IX, X, XI, and XII of Ordinance No. 390-G, as amended, are organized into this one article. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Obtaining and maintaining licenses or permits for a given use that are required by other governmental agencies is deemed to be a use regulation of the Zoning Ordinance for the use in question. (*Sec. 61-12-8*)
2. A use table has been created, identifying two hundred thirty-six (236) land uses, grouped by use category, to indicate their permissibility in the twenty-nine (29) zoning districts and to cross-reference applicable standards. Thirty-five (35) use categories have been identified under the five (5) major land use headings: residential uses; public, civic and institutional uses; retail, service and commercial uses; manufacturing and industrial uses; and other uses. (*Article XII, Division 1*)
3. A spacing table has been created, identifying the 27 land uses subject to “spacing” or separation requirements between uses of the same type and/or different type. (*Secs. 61-12-89 through 61-12-94*)
4. Permit applicants must demonstrate the ability to prevent exposures to hazardous substances. (*Sec. 61-12-98*)
5. Twenty-one (21) new land uses are subject to specific use regulations: adult day care center; animal grooming shop; assisted living facility; cabaret; commercial kennel; garbage, offal, dead animal reduction; lumber yards; outdoor recreation facility; outdoor entertainment facility; outdoor storage yards; open areas for the parking of commercial vehicles; pet shop; radioactive waste handling; recycling centers; sign shops; taxicab dispatch and/or storage

facility; transfer stations; truck garages; used auto parts sales; used tire sales and/or service; waste or scrap, indoor, storage, handling, or transfer. (*Article XII, Division 3*)

6. “Household living” residential uses occupied by functional families are regulated in the same manner as residential uses occupied by families; members of a functional family share a bond identified and protected by the Fair Housing Amendments Act, Americans with Disabilities Act, or the Religious Land Uses and Institutionalized Persons Act. (*Sec. 61-12-117*)
7. Surety bonds and performance guarantees or similar instruments of assurance may be required for certain land uses, such as junkyards and scrap tire processing/storage facilities, towing service storage yards, and transfer stations. (*Article XII, Division 3, Subdivision F*)
8. Residential units are permitted on land zoned industrial in commercial or industrial structures combined with specified retail, service, and commercial uses. (*Sec. 61-12-118*)
9. Manufactured housing units and modular housing are permitted in the same districts where site-built housing is allowed; construction on-slab, without crawl space, is permitted in certain instances to encourage affordable modular housing. (*Sec. 61-12-120*)
10. Up to eight (8) coin-operated amusement devices are permitted as an accessory use on land zoned B4 in retail stores exceeding 20,000 square feet, without need for an additional permit, notwithstanding the prohibition of arcades as a principal land use in the B4 District. (*Sec. 61-12-154*)
11. Dry cleaners using perchloroethylene (PERC) are required to have an air permit from the Michigan Department of Environmental Quality. (*Sec. 61-12-162*)
12. Hotels, motels, and bed and breakfast inns are prohibited from providing rental hall-type operations in the R3 and R4 districts. (*Article XII, Division 3, Subdivisions C and F*)
13. Rather than a “use variance,” a “locational variance” is required from the BZA prior to issuance of a permit for a gas station not possessing “locational suitability” but located less than 1,000 feet from another gas station. (*Sec. 61-12-189*)
14. Clarification is made that when a new or used car dealership closes down that the accessory service facilities must also close or receive a new permit as a principal use of the land, subject to applicable public hearing requirements. (*Secs. 61-12-212(6) and 61-12-213(7)*)
15. Major and minor motor vehicle services facilities are prohibited from selling used cars unless a permit for a used car lot is obtained. (*Secs. 61-12-214(6) and 61-12-215(5)*)
16. The layout of car wash premises and stacking areas is specified and illustrated and use regulations are enumerated. (*Sec. 61-12-216*)
17. The neighborhood petition requirement for motorcycle sales, rental, or service from Chapter 58 of the Detroit City Code is restated here as a use regulation. (*Sec. 61-12-217*)

18. Regarding parking lots or parking areas for operable private passenger vehicles:
 - Clarification is made that no permit is required for an accessory parking lot on the same zoning lot as the principal use it serves. The prohibition against parking lot vending from Chapter 39 of the Detroit City Code is restated here as use regulation. (*Sec. 61-12-219(4)*)
 - A new provision reduces the area around a stadium in which commercial parking lots are prohibited from 1,500 feet to 1,000 feet. (*Sec. 61-12-219(7)*)
 - The aforementioned prohibition against stadium-area commercial parking lots within 1,000 feet of a stadium does not apply to land that was vacant or used for parking on or prior to August 13, 1999. (*Sec. 61-12-219(7)*)
 - Parking lots citywide are required to conform to applicable accessible parking standards, design standards, and landscaping and screening standards. (*Sec. 61-12-219(8)*)
19. Clarification is made that parking spaces in parking structures must generally measure 9 feet by 20 feet. (*Sec. 61-12-220(1)*)
20. Private clubs or lodges may provide rental hall-type operations only in the districts where rental halls themselves are permitted, namely B4, B5, B6, M1, M2, M3, and M4. (*Sec. 61-12-224(3)*)
21. Carry-out and fast-food restaurant are combined as one for regulatory purposes; on the Woodward gateway radial thoroughfare carry-out and fast-food restaurants are prohibited where they have drive-up or drive-through service or where they are a stand-alone use. (*Sec. 61-12-228*)
22. On the Woodward gateway radial thoroughfare standard restaurants are prohibited where they have drive-up or drive-through service. (*Sec. 61-12-229*)
23. The threshold for specially designated distributor's (SDD) establishment or specially designated merchant's (SDM) establishment is increased from 10,000 to 15,000 square feet at which a liquor or beer and wine store is considered as just another retail store. Clarification is made that retail stores, licensed by the Michigan Liquor Control Commission for carry-out, that subdivide or otherwise fall below the 15,000 square foot threshold must file to change use to SDM and/or SDD, subject to possible public hearing requirements. (*Sec. 61-12-234*)
24. Taxicab dispatch and/or storage facilities are subject to landscaping standards and provisions to minimize possible "junkyard" appearance and are prohibited in B4 along Gateway Radial Thoroughfares. (*Sec. 61-12-237*)
25. Multiplex theaters in excess of 50,000 square feet are subject to the same "large retail center" development standards as "big box" retailers. (*Sec. 61-12-238*)
26. Junkyards are newly limited to sites with a minimum of 2 acres and are subject to various spacing, screening, landscaping, and setback provisions. (*Sec. 61-12-261*)

27. Lumber yards are newly specified as a land use and are subject to screening provisions and hours of operation requirements. (*Sec. 61-12-263*)
28. Outdoor storage yards are newly specified as a land use and are subject to setback, spacing, screening, ingress/egress, and hours of operation provisions as well as specific operational requirements for storage. (*Sec. 61-12-264*)
29. A performance guarantee may be required for scrap tire storage, processing, or recycling facilities. (*Sec. 61-12-270(3)*)
30. Used tire sales and/or service facilities are prohibited as operating as a scrap tire storage facility unless a separate permit has been obtained, subsequent to the required public hearing. No separate permit is needed for used tire sales when it is an incidental and accessory aspect of a store in the business of selling new tires. (*Sec. 61-12-271*)
31. Transfer stations for garbage, refuse, or rubbish are now subject to various setback, spacing, screening, paving, and hours of operation provisions as well as specific operational requirements for storage and processing and may require a performance guarantee. (*Sec. 61-12-275(9)*)
32. The prohibition against more than one principal building on a zoning lot in R3, R4, R5, and R6 is offset by an “Alternative Residential Development Option” that is detailed in Article XIII. (*Sec. 61-12-351*)
33. The distinction between a second principal use of the land and accessory use of the land is made. (*Sec. 61-12-353*)
34. A prohibition against using vehicles as structures is stated. (*Secs. 61-12-354 and 61-12-363*)
35. Except for carriage houses constructed prior to 1940, accessory buildings in R1 and R2 may not be occupied for residential or business purposes. (*Sec. 61-12-364*)
36. Limited accessory outdoor sales, display, or storage is restricted to districts in which retail stores are allowed and confined to an area not exceeding 10% of the area of the principal building, apart from the right-of-way or required setback area or parking or loading area. (*Secs. 61-12-368 through 61-12-373*)
37. Home occupations are generally allowed for a resident operator without a permit when incidental and accessory to a dwelling; provisions address size, employees, parking, clients/customers, signage, building appearance, prohibitions of certain activities, and nuisances. However, in the R1 and R2 Districts, no non-resident employees are allowed and no signage is allowed for home occupations. (*Article XII, Division 5, Subdivision B*)
38. Carry-out and fast-food sales are permitted as accessory uses in facilities having at least 15,000 square feet of gross floor area, provided the food area does not exceed 10% of said

space. Food concession stands in PR districts, under contract to the Recreation Department, are deemed to be accessory. (*Sec. 61-12-401*)

39. Child care centers are considered “accessory uses” and are allowed in industrial districts where they would otherwise be prohibited when in conjunction with places of employment. (*Sec. 61-12-402*)
40. Permitted accessory uses for golf courses include club houses, banquet halls, and outdoor swimming pools. (*Sec. 61-12-403*)
41. Tool sharpening or grinding is recognized as an accessory use in retail stores that sell lawnmowers, snowmobiles, etc. (*Sec. 61-12-406*)
42. Service facilities for car dealerships are considered accessory, without need for a public hearing, where located within 300 feet of the salesroom or sales lot. (*Sec. 61-12-407*)
43. Permitted accessory uses for truck stops include hotels, restaurants, and other services. (*Sec. 61-12-409*)
44. Provisions for temporary uses and structures are compiled and recited together. (*Article XII, Division 6*)
45. Small signs accessory to temporary uses require a permit and may only be displayed on site subject to specified standards. (*Sec. 61-12-424*)
46. Large outdoor assemblies are required to provide specified facilities and services. (*Sec. 61-12-432*)
47. Seasonal outdoor sales for Christmas trees and Halloween pumpkins are allowed in the same districts in which retail stores are permitted, but are time-limited. (*Sec. 61-12-434*)
48. Temporary dwelling units are allowed on a single-family lot while a house is being built, subject to conditions and limitations. (*Sec. 61-12-436*)
49. Temporary outdoor retail sales on private property are allowed in certain limited situations. (*Sec. 61-12-437*)
50. Yard or garage sales that are accessory to a dwelling may be conducted, without a permit, once within a 90-day period. No advertising on public property is permitted. (*Sec. 61-12-438*)
51. Concrete batching plants may be permitted for a period of time needed for a construction project, subject to operational restrictions. (*Sec. 61-12-441*)
52. Temporary signage provisions originally adopted in Ordinance No. 28-94 are restated in Zoning; temporary signs must relate to the premises where they are displayed; convention or exhibit buildings are exempt from certain limitations on temporary signs. (*Sec. 61-12-442*)

53. Prohibited temporary uses include sales of fireworks, firearms, and adult-oriented materials. (*Sec. 61-12-443*)

Article XIII – Intensity and Dimensional Standards

This article collects and recites the intensity and dimensional standards that had been scattered through Articles IV, VIII, IX, X, XI, and XII of Ordinance No. 390-G, as amended. It organizes area, setback, and height limitations by zoning district in table format. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Intensity and dimensional standards for items, such as lot size, yard requirements, height limitations, and lot coverage for each zoning district are all placed in Article XIII.
2. Tables have been created for each zoning district, which list the use, minimum lot dimensions, minimum setbacks, maximum height, maximum lot coverage, maximum floor area ratio and cross-references to additional regulations. (*Article XIII, Division 1*)
3. For schools, hotels, and motels in various zoning districts, specific dimensional standards have been added replacing unspecified, discretionary dimensions. (*Article XIII, Division 1*)
4. A traffic safety sight area provision has been added for corner lots in any residential zoning district and residential PD Districts to provide a clear line of sight for drivers of approaching motor vehicles. (*Sec. 61-13-12*)
5. Height Limitations in B3, B4, and M1 are amended to remove a discretionary provision allowing height in excess of the district limit, while retaining non-discretionary provisions that allow excess height. (*Secs. 61-13-33 and 61-13-51*)
6. Gas stations must provide adequate maneuvering area for tankers and other delivery vehicles. (*Sec. 61-13-100*)
7. With regard to parking lots or parking areas in the R1, R2, and R3 districts where a zoning lot abuts or is separated by an alley or easement along its side zoning-lot line from a business or industrial zoning district:
 - a new provision states that a parking lot may be allowed, provided that it does not exceed 70 feet (previous language stated that the lot could not be less than 30 feet wide nor more than 70 feet wide); (*Sec. 61-13-102(3)*)
 - the existing provision that “any off-street parking spaces so furnished shall not in any way be considered as supplying required off-street parking facilities for new, converted, or expanded uses,” has been repealed.
8. Contextual height and front setbacks provisions allow for infill development to reflect existing setbacks and building heights of neighboring structures, notwithstanding district specifications. (*Secs. 61-13-154 and 61-13-148*)

9. A new Alternative Residential Development Options section has been added, which includes four new sections: auto court development, spacing in multi-building multi-family developments, small lot development, and zero lot line development. (*Article XIII, Division 3*)

Article XIV – General Development Standards

This article incorporates and expands on the off-street parking and loading schedules as well as the floodplain and aviation provisions from Article IV of Ordinance No. 390-G, as amended. New development standards, with regard to landscaping, screening, and fencing and architectural and site design, that may apply generally are compiled in this article. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Exemptions from off-street parking requirements. All uses in the Central Business District are exempt from off-street parking requirements as are uses in structures of 3,000 sq. ft. or less, erected prior to April 9, 1998, that are first permitted in any business zoning district, industrial zoning district, or the W1 district—increased from 2,000 sq. ft. or less. (*Sec 61-14-7(1)*)
2. The provision that allowed a 15% reduction in the standard off-street parking requirement for changed uses has been repealed. The provision to waive up to 20% of off-street parking, but not more than 10 spaces, has been retained. (*Sec. 61-14-103*)
3. Rules for computing parking and loading requirements have been changed so that fractions of 1/2 or more are rounded up to the next highest whole number. (*Sec 61-14-10*)
4. Provisions are added for parking for multiple uses in the same development, such as in strip malls. Parking is required for each use in such cases unless there is an approved shared parking plan. Only one use within such a development may receive an exemption. (*Sec 61-14-12*)
5. Thirty-four (34) new uses, or uses newly identified or with revised off-street parking requirements, include: animal grooming shop; assisted living facility; boarding school; brewpub or microbrewery; bed and breakfast inn; business college or commercial trade school; concert café; docks; education institution; employee recruitment center; ferry terminal; heliports; ice skating rink; indoor commercial recreation and health club; indoor target practice range; kennel, commercial; miniature golf course; mobile home park; moving truck/trailer rental lots; nail salon; pawnshop; piercing parlor; police department authorized abandoned vehicle yard; religious residential facility; retail sales and service in multiple residential structures and business and professional offices; sewage disposal plant; scrap tire storage, processing, or recycling facility; tattoo parlor; telecommunications building, private; towing service storage yard; tunnel plaza and terminal, vehicular; veterinary clinic; and wholesale nursery or greenhouse. (*Article XIV, Division I, Subdivision B*)
6. A new schedule replaces the current parking requirements for retail stores and, in general, requires more off-street parking per square foot for smaller uses and less parking for larger

uses per square foot. There is also a separate schedule for shopping center retail. (*Sec 61-14-71*)

7. A new schedule provides for off-street parking requirements to be established by P&DD for certain uses that have widely varying parking demands, based on parking demand estimates. Applicable uses include: motor vehicle race track, aircraft landing areas, passenger transportation terminal, public center open spaces, and passenger boat terminal. (*Sec 61-14-72*)
8. Telecommunication buildings are added to the schedule of off-street loading requirements. (*Sec 61-14-86*)
9. Clarification is made that offering valet parking does not relieve a use from providing the minimum number of spaces with proper stall sizes and aisle widths. (*Sec 61-14-98*)
10. Alternative Parking Plan Review and Approval Procedures and Criteria are added by which the Buildings and Safety Engineering Department or Board of Zoning Appeals would hold a hearing to consider shared parking, remote parking, parking assessment districts, certain valet parking situations, credit for public parking, or a transportation demand management plan. (*Sec 61-14-104*)
11. Accessible parking space requirements are provided in terms of number of spaces, dimensions, aisles, and signage. (*Article XIV, Division 1, Subdivision G*)
12. Vehicle stacking area standards are added for uses having drive-up or drive-through service. (*Article XIV, Division 1, Subdivision H*)
13. Off-street parking design standards are added including access standards, certain contextual front yard setbacks, striping, surfacing, drainage, signage, maintenance, pedestrian walkways, maneuvering, and reduction for planter overhang; there is also an added provision for designated “pedestrian retail overlay areas” in which no parking may be located between a primary building and the street. (*Article XIV, Division 1, Subdivision I*)
14. Off-street loading area design standards include turning radius, landscaping and screening. (*Article XIV, Division 1, Subdivision J*)
15. Outdoor parking or storage of any commercial vehicle is prohibited in all residential and residential PD Districts with some exceptions. (*Sec. 61-14-172*)
16. Restrictions and time limits are added for parking of recreational vehicles, trailers, taxicabs, boats, and recreational equipment. (*Secs. 61-14-173 and 61-14-174*)
17. In R1 and R2 when houses are built without an attached garage, a solid paved access to a paved parking area is required. If no garage is provided at all, the paved parking area must be in the rear yard, be of a maximum 20 feet by 30 feet and not cover more than 50% of the rear yard. No parking is allowed in unpaved areas. (*Sec. 61-14-176(3)*)

18. Landscaping, screening and fencing requirements apply to any new construction, and certain enlargements, construction or addition of 5 or more parking spaces, certain higher cost alterations or improvements, or a change to a more intense use. Construction or enlargement of single family and two family houses are exempt. Standards involve: plant quality, size of shrubs and trees, ground cover, installation, maintenance and replacement, visibility and accessibility, and irrigation. (*Article XIV, Division 2*)
19. Twelve (12) species of trees are prohibited from planting, except upon special review and approval by the Recreation Department. (*Sec. 61-14-204*)
20. Landscaping and screening requirements for off-street parking areas provides various standards for right-of-way screening. (*Sec. 61-14-221*)
21. Setbacks and screening of parking lots abutting or across from residential are required. (*Sec. 61-14-222*)
22. Interior landscaping is required for parking lots visible from a right-of-way and having 25 or more spaces. (*Sec. 61-14-223*)
23. Landscaping is required for parking structures. (*Sec. 61-14-225*)
24. Provisions for additional screening are included for refuse receptacles and waste-removal areas, open storage areas, loading docks, service yards, and exterior work areas. (*Sec. 61-14-234*)
25. Incentives are provided for preserving existing trees through giving credits for saving trees based on the caliper of the tree saved. (*Sec. 61-14-247*)
26. Alternative compliance to landscape standards is provided including procedure and review criteria for approving such plans. (*Sec. 61-14-248*)
27. Fence provisions originally adopted in Ordinance No. 290-H are restated in Zoning and include, among others, provisions regarding barbed wire, razor wire and electric fence. (*Sec. 61-14-251*)
28. Architectural and site design standards for residential uses are added which provide, among other things, that openings of attached garages may not comprise more than 40% of the width of a front façade of single- or two-family dwellings and that front loading garages must be set back at least 4 feet from the front facade of the house. (*Sec. 61-14-263*)
29. Residential compatibility requirements are expanded to include that, to the maximum extent practicable, new single- and two-family dwellings must exhibit at least 3 of the following features similar to the majority of houses within 200 feet on the same block face: roof style, garage orientation, building mass, front porches, exterior building material, pattern of window and door openings. (*Sec. 61-14-266*)

30. Certain requirements are added for multi-building, multi-family development involving access, streets or drives, sidewalks, and lighting. (*Sec. 61-14-267*)
31. New provisions for crawl spaces and construction-on-slab are added. (*Sec. 61-14-268*)
32. Nonresidential development standards are added for nonresidential uses in residential and business districts, and SD1, SD2, SD4 and non-industrial PD Districts. The standards involve site design, quality of materials, building orientation, and screening of mechanical and telecommunications equipment. There is also a provision relating to intensity of façade colors. (*Article XIV, Division 3, Subdivision B*)
33. Standards for designated Pedestrian Retail Overlay Districts are presented including provisions that in new buildings containing retail, service, office, civic or institutional uses in these overlay areas, 30% of any ground floor façade facing a street, park or other public space must be made of transparent materials. For parking structures in such areas, commercial space or other space oriented to pedestrian traffic, must be provided for at least 30% of their first floor façades. (*Secs. 61-14-281 through 61-14-285*)
34. Special standards are presented for large retail centers involving massing, pedestrian meeting places, bus stops, landscaping, delivery routes and additional landscaping and architectural requirements. (*Article XIV, Division 3, Subdivision D*)
35. A traffic impact study is required for any use having specified high trip-generation potential. (*Article XIV, Division 4*)
36. Provisions for floodplains and hazard areas are expanded, including identifying the role of the Department of Environmental Affairs. (*Article XIV, Division 5*)
37. Operational performance standards generally apply for all nonresidential uses in all zoning districts that cause off-site impacts on uses in R- districts, B- districts, non-industrial PD, and most special purpose districts. The standards relate to air quality, combustion and explosives, gases, noise, vibration, odor, and glare. (*Article XIV, Division 7*)
38. Performance guarantees may be required to ensure completion of improvements and/or abatement of any nuisance associated with the operation or abandonment of a use in accordance with ordinance provisions and imposed conditions. (*Article XIV, Division 8*)
39. Abandoned or vacated uses closed for more than thirty (30) consecutive days are required to be secured and maintained. Closure of ingress and egress is required within sixty (60) days of closing. (*Article XIV, Division 9*)

Article XV – Nonconformities

This article incorporates many of the provisions recited in Article V of Ordinance No. 390-G, as amended. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. The burden of proving legal nonconforming status is placed on the owner. (*Sec. 61-15-4*)
2. Repairs and maintenance of nonconforming uses are allowed without a hearing. (*Sec. 61-15-5*)
3. When a land use requires a neighborhood petition, the BZA must consider results of the petition before voting; however, failure to obtain 2/3 approval will not prevent holding of hearing when BZA is the first hearing body. (*Sec. 61-15-8*)
4. Meaning of nonconforming use is explained. (*Secs. 61-15-11 and 61-16-142*)
5. Uses that are accessory to nonconforming uses are also considered nonconforming. (*Sec. 61-15-12*)
6. Deficient separation and over-concentration do not make a use nonconforming. (*Sec. 61-15-14*)
7. Uses granted through use variances/hardship relief grants are nonconforming uses. (*Sec. 61-15-15*)
8. That which constitutes an expansion or intensification of a nonconforming use is clarified. (*Sec. 61-15-16*)
9. When a nonconforming use expands or intensifies, it must comply with all use regulations, intensity and dimensional standards, and general development standards; the current ordinance only requires compliance with off-street parking requirements. (*Sec. 61-15-17(6)*)
10. Controlled uses are added to the list of uses not eligible for change of use. (*Sec. 61-15-20(2)*)
11. That which constitutes abandonment of a nonconforming use is clarified and expanded upon; how the presumption of abandonment is overcome is explained; exceptions to the prohibition against re-establishment of abandoned nonconforming uses is explained for twenty (20) use groupings. (*Secs. 61-15-21 and 61-15-18*)
12. Reconstruction of damaged, nonconforming single-family dwellings is exempt from the hearing requirement as is reconstruction of a damaged/destroyed garage, accessory to a residential use. (*Secs. 61-15-22(2), 61-15-23, and 61-15-36*)
13. Nonconforming structures may house any use allowed in the district; current ordinance prohibits certain uses in nonconforming structures. (*Sec. 61-15-33*)
14. A nonconforming structure may be moved if the move removes the nonconformity, such as from a floodplain. (*Sec. 61-15-35*)

15. A destroyed nonconforming structure, other than detached single-family dwellings, and structures accessory to it, may be reconstructed only if it complies with all current use regulations, intensity and dimensional standards, and general development standards. (*Sec. 61-15-36(1)*)
16. Nonconforming lots may be developed in accordance with the alternative residential development options of Article XIII. (*Sec. 61-15-41*)

Article XVI – Definitions and Rules of Construction

This article adopts the definitions of Article III of Ordinance No. 390-G, as amended, but removes and relocates any regulatory language that had been part of the definition. The volume and breadth of the definitions are expanded significantly. Provisions that differ from Ordinance No. 390-G, as amended, include:

1. Rules of interpretation are expanded to fourteen. (*Article XVI, Division 1*)
2. Nine (9) common terms are defined: abut or abutting, adjacent, deciduous, evergreen, incidental, shade tree, shrub, street tree, tree. (*Article XVI, Division 2*)
3. Seventy-nine (79) technical-descriptive terms and phrases are defined: access drive; basement; berm; bus; block face; carport; cellar; change of use or occupancy; common area, general; common area, limited; condominium act; condominium master deed; condominium project; condominium subdivision; condominium subdivision plan; condominium unit; controlled uses; *cul-de-sac*; decision-making body; dedication; developer; development; functional family; floor area; front of building; grade, existing or natural; hazardous substance; height of buildings; home occupation; impervious surface; improvements; intensification of use; intensity of land use; landscaped area; landscaping; limousine; linear measurement; lot area; lot line, boundary; manufactured housing unit; master deed; mobile home; modular housing unit; motor vehicle; multi-tenant development; nonconforming lots; nonconforming structure; nonconforming use; nonconformity; not-for-profit; Ordinance No. 390-G, as amended; owner; parking, valet; passenger vehicle, private; PBB; PCB; pedestrian retail area; pickup truck; radial measurement; review body; right-of-way; screening; semi-trailer; site plan; small lot; solid waste; principal street; taxicab; trailer; transitional housing; underground storage tank; use; used auto parts sales; utilities, basic, use category; utilities, major, use category; van; commercial vehicle; vehicle, recreational; zoning grant. (*Article XVI, Division 2*)
4. Eighty-nine (89) land use and use category terms, not previously defined, are defined: adult day care; adult use, use category; amusement park; arena; assembly, use category; assembly hall; assisted living facility; auditorium or stadium, use category; aviation and surface transportation facilities, use category; bake shop, retail; bed and breakfast inn; brewery and brewpub; bridge plaza and terminal, vehicular; cabaret; coffee house; community service, use category; concert café; convalescent, nursing, or rest home; dance hall, public; dance studio; day care, use category; educational institution; employee recruitment center; food and beverage service, use category; food catering establishment; Group “A” cabaret; Group “B”

cabaret; Group “C” cabaret; Group “D” cabaret; Group “E” cabaret; group living, use category; high/medium-impact manufacturing or processing; high-impact manufacturing or processing; hospice or hospital, use category; household living, use category; industrial service, use category; institutional living, use category; kennel, commercial; laundry; laundry, industrial; library, use category; low/medium-impact manufacturing or processing; low-impact manufacturing or processing; manufacturing and production, use category; mobile home park; motor vehicle services, major; motor vehicle services, minor; motor vehicle washing and steam cleaning; motor vehicles, storage of new or used; museum, use category; neighborhood center, nonprofit; office, use category; outdoor entertainment facility; outdoor recreation facility; outdoor storage yard; park and open space, use category; parking, commercial, use category; pawnshop; personal service establishment; photocopying or computing self-service establishment; plasma donation center; public accommodation, use category; public center open use; race track, motor vehicle; railroad facility, use category; recreation, indoor commercial; recreation and entertainment, indoor, use category; recreation and entertainment, outdoor, use category; recycling center; religious institutions; religious residential facility; rental merchandise store; research facility; residential substance abuse service facility; residential use combined in structures with permitted commercial uses; retail sales and service, occupant-oriented, use category; retail sales and service, sales-oriented, use category; retail sales and service, service-oriented, use category; rooming house; schools, use category; stadium; state-licensed residential facility; telecommunications facility, use category; theater; tires, used, sales and/or service; trade services, general; transfer station; tunnel plaza and terminal, vehicular; vehicle repair and service, use category; very high-impact manufacturing or processing; warehouse and freight movement, use category; waste-related use, use category; water-related facility, use category. (*Article XVI, Division 2*)

5. Eleven (11) existing definitions have been expanded or modified including: accessory building or accessory structure, accessory use, alteration, change of occupancy, gateway radial thoroughfare, multiple-family dwelling, nightclub, commercial parking, regulated use, secondhand stores and secondhand jewelry stores, setback, front setback, rear setback, side setback. (*Article XVI, Division 2*)

Article XVII – Zoning Maps

This article contains no text. It consists of an index map and the seventy-eight (78) zoning district maps that are incorporated unaltered from Ordinance No. 390-G, as amended.

Appendix A

This alphabetical listing of land uses assigns each use to a use category. The information is presented in table form, by technical and common name.